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*Oxford City Documents, Financial and Judicial, 1268-1665.*

Selected and edited by J. E. THOROLD ROGERS, M.A. Oxford, printed for the Oxford Historical Society, at the Clarendon Press, 1891. — 8vo, vii, 439 pp.

*Collectanea [of the Oxford Historical Society].* Second Series.

Edited by MONTAGU BURROWS, M. A. Oxford, the Clarendon Press, 1890. — 8vo, ix, 517 pp.

The subject-matter of Professor Rogers' book may be grouped under three general heads: taxation, including population (pages 1-141); judicial procedure (pages 143-241); and miscellaneous (pages 243-337). The first head is of special interest to economists. It includes the poll-tax rolls of 1380, the hearth tax of 1665, and a calendar of subsidies with some extracts from the subsidy rolls, 1313-1630 [1671]. The list of contributors to the poll tax of 1380 is an exhaustive catalogue of the burgesses and all other lay persons of Oxford outside the university. The total number thus taxed was 2035. Allowing for the children and adding about 1500 for the members of the university, we may infer that in 1380 the total population was about 5000. The tax was to yield on an average twelve pence for every individual. The highest assessment in these rolls is 13s. 4d., and the lowest, 4d. The whole amount collected for the crown was £100 5s. Of the other records relating to taxation and population, the most important are the returns of the hearth tax of 1665, which are printed *in extenso*. Including the university, the number of hearths was 5134. The whole population of Oxford, academic and civic, at this date, was from 7000 to 7500.

All these documents throw much light upon the population and wealth of Oxford, and the financial relations of the city to the crown, from the fourteenth to the seventeenth century inclusive. The poll-tax returns of 1380 are particularly interesting because they show also the various occupations of the citizens, whose names are brought together in a useful index at the end of the volume under their respective crafts — apothecaries, bakers, bowyers, *etc.* The compiler of the index apparently did not know the meaning of certain archaic terms, such as "ferour," "corsor," "waller," for he does not explain all of them, and he has distinct headings (without cross-references) for such occupations as "ferour" and "smith," "waller" and "mason," *etc.* The population of Oxford in 1380 corresponds to that of many of the larger boroughs of England in the fourteenth century. Few English municipalities of this period had more than 5000 inhabitants, and most of them probably had less than 2000. But regarding this matter it is difficult to generalize, as the subject, like most phases of English municipal history, has not yet been adequately investigated. We hope that, be-

fore many years elapse, some such monographs on English towns will be written as Jastrow's *Volkszahl Deutscher Städte zu Ende des Mittelalters*. There is abundant material in print, and especially in manuscript among English town muniments, illustrating this subject.

The most important documents in Professor Rogers' book are those that fall under the head of judicial procedure. They comprise coroners' inquests (1297-1322), criminal inquisitions held by other civic magistrates (1298-1520) and the proceedings of the itinerant justices at Oxford in 1285. Most of these records are taken from old transcripts made by Bryan Twyne, and they contain obvious errors which Professor Rogers left uncorrected. For example, we frequently find "*extra et utlagatur*" in connection with criminal cases. The correct reading is "*exigatur* [the guilty person is to be placed in exigent] *et utlagetur*." In the inquests and inquisitions the offenders are mainly students ("*scholares*" or "*clerici*"). It was not uncommon for them to go though the streets after the hour of curfew well armed ("*cum gladiis et arcubus et sagittis citra horam ignitegii*"), ready to brawl or to commit murder. Of the twenty-nine inquests, thirteen relate to murders perpetrated by students. Few extracts from such coroners' rolls of the thirteenth century have been printed, and yet many of these records exist in manuscript in the Public Record Office and in town archives (London, Leicester, Norwich, Wallingford and others). The coroner of that period had important functions, and a careful study of the history of the office before Bracton's time may add to our knowledge of other institutions, such as the origin of the petty jury in criminal cases. In dealing with the history of the coroner, the best text-books begin with a brief reference to the eyre of 1194, and then pass at once to Bracton and the statute of 4 Edward I. But the office existed, at least in boroughs, before 1194, and there is much material in print illustrating its history during the first quarter of the thirteenth century.

It is not necessary to describe the contents of the eyre rolls of 1285. Any one who has used Palgrave's *Rotuli Curie Regis* or Maitland's *Select Pleas of the Crown* and *Pleas of the Crown for the County of Gloucester*, knows how valuable such records are — what a flood of light they throw upon social life, institutions of government and legal ideas in the middle ages. Every new text of this sort that is printed materially assists students of history and political science.

Among the miscellaneous muniments in this volume, the most interesting are those illustrating the relations between town and gown, especially those concerning the great fray on St. Scholastica's day, February 10, 1355.

The introductions to the various documents do not reach the level of work in Professor Rogers' other books. In the light of recent in-

vestigations, his remarks concerning the early history of itinerant justices (page 182) seem superficial; and his explanation of the origin of the office of coroner, on page 147, is very questionable. On page 146 he says that the coroner's jury at Oxford usually consisted of twenty men, but an examination of the inquests which he has edited shows that this was not the case. We must be charitable enough to suppose that he would have corrected some of these errors, had he lived to put the finishing touch to his work.

The other volume before us relating to Oxford, the *Collectanea*, is a valuable contribution to historical research, but only a portion of it will interest students of political science. It consists of seven distinct articles and an appendix. The first article is entitled "The Oxford Market," by Rev. Octavius Ogle. The documents which he prints are useful for the study of England's commercial history. Of his introductory remarks we cannot speak so favorably. His failure to find any mention of markets in England before the reign of Cnut (page 9) shows a lack of familiarity with such sources as Kemble's *Codex Diplomaticus* and Schmid's *Gesetze der Angelsachsen*. I think, moreover, that he might have gone to better authorities than Blackstone for certain of his historical facts (pages 10, 44). The next three papers, "The University of Oxford in the Twelfth Century" by Professor T. E. Holland, "The Friars Preachers *vs.* The University (1311-1313)" by Rev. H. Rashdall, and "Notes on the Jews in Oxford" by Mr. A. Neubauer, are all instructive and scholarly. Professor Holland's article elucidates the introduction of the study of Roman law into England, as well as the history of universities. His general conclusion, after careful investigation, is that the origin of the University of Oxford must beyond question be sought in the twelfth century, while in the opening years of the thirteenth century we find it already full grown. He prints *in extenso* all accessible contemporary evidence of the twelfth century bearing upon the subject, with critical comments. The extracts relating to the teaching of Vacarius at Oxford are especially noteworthy. Mr. Rashdall edits a long document describing the quarrel between the university and the friar preachers, which culminated in the year 1311 in an appeal to the court of Rome. His paper throws much light upon the constitutional development of the university and upon the history of the mendicant orders. Mr. Neubauer gives, in chronological order, references to documents in which the Jews of Oxford are mentioned. His introduction contains some interesting remarks concerning the relations of English Jews to secular learning. He thinks that their influence upon learning in England has been exaggerated. The other articles in this volume are "Lianacre's Catalogue of Grocyn's Books" by Professor Montagu Burrows, "Table-talk and Papers of Bishop Hough" by Rev. W. D.

Macray, and "Extracts from the Gentleman's Magazine relating to Oxford, 1731-1800" by F. J. Haverfield.

The Oxford Historical Society is to be congratulated upon the continued success of its publications. We are glad to see that it has begun to turn its attention to the older civic records of Oxford. Research in the much-neglected field of English municipal history would be stimulated if similar societies were formed in other towns of England, for the purpose of printing some of the many important documents which now lie mouldering in the borough archives and in other local repositories.

CHARLES GROSS.

*Canadian Studies in Comparative Politics.* By JOHN GEORGE BOURINOT, C.M.G., LL.D., D.C.L., Clerk of the House of Commons of Canada. Montreal, Dawson Brothers, 1890. — Large 4to, 92 pp.

As the reader into whose hands comes this attractive quarto opens the broad pages and admires the wide margins, the first thing that strikes him is that his rights are disregarded by the total omission of an index. Here is a work which would make a respectable little octavo volume, without a guide to its text. The feeling of disappointment is enhanced on turning to the table of contents and finding but three chapter headings, all relating to Canadian institutions. The learned author has already written much on Canada. All students of the institutions of that country are of course familiar with his *Parliamentary Procedure*, his *Manual of Constitutional History*, his *Federal Government in Canada*, and his paper on "The United States and Canada"; and are looking forward with eagerness to his promised paper on "Parliamentary Government in Canada." In the work under review new facts and riper deductions are naturally expected. As one turns the leaves, however, there is somehow an impression of vague familiarity. Especially in the second paper, "Comparison between the Political Systems of Canada and the United States," there is a wafted fragrance of an article by Mr. Bourinot on "Canada and the United States" in the *Annals of the American Academy* for July, 1890. A careful comparison shows that practically the whole of the latter article, with many additions, is incorporated in the chapter under consideration. To such a practice there is no ethical objection, provided the transfer be indicated; but there is no preface or footnote to warn the student that the two are in effect the same. Certain printer's marks also suggest, what is nowhere stated, that the book is printed from the plates of the *Transactions of the Royal Society of Canada*, in which doubtless the essay, or rather lecture, has found a third place of deposit.